THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

+Writ Petition No.402 of 2007
(Common Judgment)

% 01.02.2007

Between:

G.J.P.Prabhakar Rao & another

...Petitioners

And

The State of A.P., rep. by its Principal Secretary, Hyderabad and others

...Respondents

! COUNSEL FOR Petitioner: Sri V.R. Reddy Kovvuri

^ COUNSEL FOR RESPONDENTS 1 & 2: G.P. for Home

Sri P.V. Sanjay Kumar, for R3 & R4

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> Head Note:

? CITATIONS:

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ORDER:

The petitioners are advocates practicing, in the Court of Junior Civil Judge, Badvel, Kadapa District. The process for appointment of Assistant Government Pleader, for that Court, has been initiated in accordance with A.P. Law Officers (Appointment and Conditions of Service) Instructions, 2000, (for short 'the Instructions'), issued in G.O.Ms.No.187, Law (L) Department, dated 06-12-2000. According to the petitioners, a list of 7 advocates, including their names, was forwarded by the Junior Civil Judge, Badvel, the 4th respondent herein, to the District Judge, Kadapa, the 3rd respondent. The panel is said to have been returned by the 3rd respondent requiring the 4th respondent to furnish further particulars. The petitioners state that the 4th respondent called for further particulars, and after they were supplied, only 3 names were recommended as against the required 5. The petitioners filed this writ petition seeking a writ of mandamus, to declare the action of the 4th respondent in forwarding a panel of 3 advocates in stead of 5, as illegal and violative of fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution of India.

Heard Sri V.R.Reddy Kovvuri, learned counsel for the petitioners; Government Pleader for Home, for respondents 1 and 2, and Sri P.V. Sanjay Kumar, for respondents 3 and 4.

It is not only surprising, but also unfortunate that an internal correspondence between a Junior Civil Judge and a District Judge, which is purely confidential in nature; has

become public, and even before appointment of Assistant Government Pleader has taken place, challenge is made to such proceedings. Clause 5 of the Instructions prescribes the procedure for appointment of Law Officers in Courts, which are subordinate to High Court. According to the same, the District Collector is conferred with the power, to prepare a panel of advocates, after procuring the bio-data of such advocates from the District Judge. Senior or Junior Civil Judges do not figure anywhere in the process. It is for the sake of convenience and as a course of internal correspondence, that the District Judges rely upon the information provided for by the Subordinate Judges in the District. What becomes material in the process is, the panel, prepared by the District Collector, which in turn, is made in consultation with the District Judge.

Even assuming that the petitioners possess the requisite qualifications, to be appointed as Assistant Government Pleaders, they cannot claim any right to be appointed as such. It is ultimately for the Appointing Authority, to select the candidates of their choice. Further, unlike appointments to administrative posts, an element of confidence and assessment of competence is involved, while appointing an advocate as a Law Officer. The more and more an advocate insists on his being appointed as a law officer, the issue assumes delicate proportions, touching upon the acceptability to the client, in the matter of engaging his counsel.

The second facet of the issue is that, in the matter

of appointments to public offices, an individual can complain of, detriment or grievance, only after the process is completed.

No one is vested with any right, to regulate the manner in which the steps that lead to the ultimate appointment must take place.

Viewed from any angle, this Court does not find any basis to grant any relief to the petitioners. The writ petition is accordingly dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.01-02-2007.

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